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UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 In re: Investigation of
12 Tigran Sargsyan et al.

No. 2:23-MJ-2972

~~[PROPOSED]~~ PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING INFORMATION

16
17 The Court has read and considered the parties' Stipulation for
18 a Protective Order Regarding Discovery Containing Personal
19 Identifying Information ("PII") filed by the government and Tigran
20 Sargsyan ("Sargsyan" or "the target"), which this Court incorporates
21 by reference into this order, and FOR GOOD CAUSE SHOWN the Court
22 hereby FINDS AND ORDERS as follows:

23 1. The government is investigating Sargsyan for potential
24 violations of 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud),
25 1344 (bank fraud), 1028A (aggravated identity theft), 1956 (money
26 laundering), and 1349 (conspiracy to commit fraud) ("Target
27 Offenses"). The government wishes to produce pre-indictment
28 discovery to Sargsyan.

1 2. A Protective Order is necessary because the government
2 intends to produce to the defense materials potentially containing
3 third parties' PII. The government believes that disclosure of this
4 information without limitation risks the privacy and security of the
5 information's legitimate owners. Because the government has an
6 ongoing obligation to protect third parties' PII, the government
7 cannot produce to the target an unredacted set of discovery
8 containing this information without the Court entering the
9 Protective Order. Moreover, PII makes up a significant part of the
10 discovery in this case and such information itself, in many
11 instances, has evidentiary value. If the government were to attempt
12 to redact all this information in strict compliance with Federal
13 Rule of Criminal Procedure 49.1, the Central District of
14 California's Local Rules regarding redaction, and the Privacy Policy
15 of the United States Judicial Conference, the defense would receive
16 a set of discovery that would be highly confusing and difficult to
17 understand, and it would be challenging for defense counsel to
18 adequately evaluate the case, provide advice to the target, or
19 prepare for trial.

20 3. The purpose of the Protective Order is to (a) allow the
21 government to comply with its discovery obligations while protecting
22 this sensitive information from unauthorized dissemination, and
23 (b) provide the defense with sufficient information to adequately
24 represent the target.

25 4. Accordingly, the discovery that the government will
26 provide to defense counsel in the above-captioned case will be
27 subject to this Protective Order, as follows:
28

1 a. As used herein, "PII Materials" includes any
2 information that can be used to identify a person, including a name,
3 address, date of birth, Social Security number, driver's license
4 number, telephone number, account number, email address, or personal
5 identification number.

6 b. "Confidential Information" refers to any document or
7 information containing PII Materials that the government produces to
8 the defense pursuant to this Protective Order and any copies
9 thereof.

10 c. "Defense Team" includes (1) the target's counsel of
11 record ("defense counsel"); (2) other attorneys at defense counsel's
12 law firm who may be consulted regarding case strategy in this case;
13 (3) defense investigators who are assisting defense counsel with
14 this case; (4) retained experts or potential experts; and
15 (5) paralegals, legal assistants, and other support staff to defense
16 counsel who are providing assistance on this case. The Defense Team
17 does not include the target, the target's family members, or any
18 other associates of the target.

19 d. The government is authorized to provide defense
20 counsel with Confidential Information marked with the following
21 legend, "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
22 ORDER," or otherwise denoted as subject to the protective order in
23 the discovery index. The government may put that legend on the
24 digital medium (such as DVD or hard drive) or simply label a digital
25 folder on the digital medium to cover the content of that digital
26 folder. The government may also redact any PII contained in the
27 production of Confidential Information.

1 e. If the target objects to a designation that material
2 contains Confidential Information, the parties shall meet and
3 confer. If the parties cannot reach an agreement regarding the
4 target's objection, the target may apply to this Court to have the
5 designation removed.

6 f. The target and the Defense Team shall use the
7 Confidential Information solely to prepare for any pretrial motions,
8 plea negotiations, trial, and sentencing hearing in this case, as
9 well as any appellate and post-conviction proceedings.

10 g. The Defense Team shall not permit anyone other than
11 the Defense Team to have possession of Confidential Information,
12 including the target, while outside the presence of the Defense
13 Team.

14 h. At no time, under no circumstance, will any
15 Confidential Information be left in the possession, custody, or
16 control of the target, regardless of the target's custody status.

17 i. The target may review PII Materials only in the
18 presence of a member of the Defense Team, who shall ensure that the
19 target is never left alone with any PII Materials. At the conclusion
20 of any meeting with the target at which the target is permitted to
21 view PII Materials, the target must return any PII Materials to the
22 Defense Team, and the member of the Defense Team present shall take
23 all such materials with him or her. The target may not take any PII
24 Materials out of the room in which the target is meeting with the
25 Defense Team.

26 j. The target may see and review Confidential Information
27 as permitted by this Protective Order, but the target may not copy,
28 keep, maintain, or otherwise possess any Confidential

1 Information in this case at any time. The target also may not write
2 down or memorialize any data or information contained in the
3 Confidential Information.

4 k. The Defense Team may review Confidential Information
5 with a witness or potential witness in this case, including the
6 target. A member of the Defense Team must be present if PII
7 Materials are being shown to a witness or potential witness. Before
8 being shown any portion of Confidential Information, however, any
9 witness or potential witness must be informed of, and agree in
10 writing to be bound by, the requirements of the Protective Order. No
11 member of the Defense Team shall permit a witness or potential
12 witness to retain Confidential Information or any notes generated
13 from Confidential Information.

14 l. The Defense Team shall maintain Confidential
15 Information safely and securely, and shall exercise reasonable care
16 in ensuring the confidentiality of those materials by (1) not
17 permitting anyone other than members of the Defense Team, the
18 target, witnesses, and potential witnesses, as restricted above, to
19 see Confidential Information; (2) not divulging to anyone other than
20 members of the Defense Team, the target, witnesses, and potential
21 witnesses, the contents of Confidential Information; and (3) not
22 permitting Confidential Information to be outside the Defense Team's
23 offices, homes, vehicles, or personal presence.

24 m. To the extent that the target, the Defense Team,
25 witnesses, or potential witnesses create notes that contain, in
26 whole or in part, Confidential Information, or to the extent that
27 copies are made for authorized use by members of the Defense Team,
28 such notes, copies, or reproductions become Confidential Information

1 subject to the Protective Order and must be handled in accordance
2 with the terms of the Protective Order.

3 n. The Defense Team shall use Confidential Information
4 only for the litigation of this matter and for no other purpose.
5 Litigation of this matter includes any appeal filed by the target
6 and any motion filed by the target pursuant to 28 U.S.C. § 2255. In
7 the event that a party needs to file Confidential Information with
8 the Court or divulge the contents of Confidential Information in
9 court filings, the filing should be made under seal. If the Court
10 rejects the request to file such information under seal, the party
11 seeking to file such information publicly shall provide advance
12 written notice to the other party to afford such party an
13 opportunity to object or otherwise respond to such intention. If the
14 other party does not object to the proposed filing, the party
15 seeking to file such information shall redact any PII Materials and
16 make all reasonable attempts to limit the divulging of PII
17 Materials.

18 o. Any Confidential Information inadvertently produced in
19 the course of discovery prior to entry of the Protective Order shall
20 be subject to the terms of this Protective Order. If Confidential
21 Information was inadvertently produced prior to entry of the
22 Protective Order without being marked "CONFIDENTIAL INFORMATION --
23 CONTENTS SUBJECT TO PROTECTIVE ORDER," or otherwise being denoted as
24 subject to the protective order on the discovery index, the
25 government shall reproduce the material with the correct designation
26 and notify defense counsel of the error. The Defense Team shall take
27 immediate steps to destroy the unmarked material, including any
28 copies.

1 p. Confidential Information shall not be used by any
2 member of the defense team, in any way, in any other matter, absent
3 an order by this Court. All materials designated subject to the
4 Protective Order maintained in the Defense Team's files shall remain
5 subject to the Protective Order unless and until such order is
6 modified by this Court. Upon request by the government, defense
7 counsel shall return all PII Materials, certify that such materials
8 have been destroyed, or certify that such materials are being kept
9 pursuant to the California Business and Professions Code and the
10 California Rules of Professional Conduct.

11 q. In the event that there is a substitution of counsel
12 prior to when such documents must be returned, new defense counsel
13 must be informed of, and agree in writing to be bound by, the
14 requirements of the Protective Order before defense counsel
15 transfers any Confidential Information to the new defense counsel.
16 New defense counsel's written agreement to be bound by the terms of
17 the Protective Order must be returned to the Assistant U.S. Attorney
18 assigned to the case. New defense counsel then will become the
19 Defense Team's custodian of materials designated subject to the
20 Protective Order and shall then become responsible, upon the
21 conclusion of appellate and post-conviction proceedings, for:

22 (1) returning to the government, certifying the destruction of, or
23 retaining pursuant to the California Business and Professions Code
24 and the California Rules of Professional Conduct all PII Materials.

25 r. Defense counsel shall advise the target and all
26 members of the Defense Team of their obligations under the
27 Protective Order and ensure their agreement to follow the Protective
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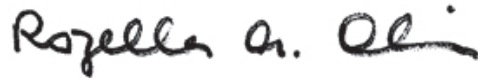
Order, prior to providing the target and members of the Defense Team with access to any materials subject to the Protective Order.

s. The parties reserve the right to assert objections to this protective order if, and when, an indictment is returned and this matter is assigned to a United States District Judge. The terms of this Protective Order shall remain in effect unless, and until, any such terms are altered upon a ruling by the assigned United States District Judge.

IT IS SO ORDERED.

June 9, 2023

DATE



HONORABLE ROZELLA A. OLIVER
UNITED STATES MAGISTRATE JUDGE

Presented by:

/s/ Hava Mirell

Hava Mirell

Assistant United States Attorney